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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,800	01/22/2001	Bernd Burchard	GR 00 P 1087 US	3742
24131	7590	05/27/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			ABEBE, DANIEL DEMELASH	
			ART UNIT	PAPER NUMBER
			2655	
DATE MAILED: 05/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/767,800	BURCHARD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel D Abebe	2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 5-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 5-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 9. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, and 5-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Knittel (6,606,280).

As to claim 1, Knittel teaches a voice controller, comprising:

A sound source (TV, stereo, ..etc) including transmitter (Fig.1);

A sound detector detecting sound including voice command (Fig.1, 31; Fig.3, 55), the sound detector including speech recognition (Fig.3, 63), for converting the voice command into control codes (Fig.3, 75);

A receiver (Fig.3, 57) for receiving sound signal generated by the associated (TV) sound sources;

A sound processor (Fig.3, 57) for generating corrected sound (Fig.3, 73) and supplying it to the speech recognition means. Also see Fig.4 and Col.5, lines 40-56; and

Where the controller could be combined into a single unit (mobile) with the remote controller (29), (Col.4, lines 25-32)

As to claim 5, Knittel teaches correlating the two inputs and taking the delay into consideration for generating the residual (correct) signal (Col.10, line 62-Col.11, line 7; Fig.3, 57).

As to claim 6, Knittel teaches where the correlation is made between the sound detected and the sound source information (Fig.3, 71 and 69).

As to claims 7-8, Knittel teaches where numbers of speaker inputs are placed (Fig.3, 63; Col.5, lines 43-56).

As to claim 9, Knittel teaches selecting between various modes (inherently using buttons) including a command learning mode (Col.6, lines 41-57).

As to claim 10, Knittel teaches various sound sources (Fig.3).

Claims 11-17 are analogous to claims 1 and 5-10 and are rejected for the foregoing reasons by Knittel.

### ***Conclusion***

### ***Response to Arguments***

Applicant's arguments filed on 3/17/2004 have been fully considered but they are not persuasive. Similar to the subject matter of the claimed invention, Knittel art is concerned with a voice controller device (29, 31) for controlling voice controlled devices, including sound sources with a transmitter (11), by filtering the sound produced by the devices from the voice command, and more particularly Knittle teaches a system for receiving a voice command and other surrounding sound signals and processing the signals for the purpose of filtering the surround signal from the voice command signal

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and transmitting a code associated with the voice command in order to control the devices. Applicant's argument that Knittle doesn't teach where the "controller" is mobile is traversed. Knittel describes where the base unit comprising the command detector, sound detector, sound processor and voice recognition device could be a single unit within the remote controller without changing anything. This is stated in Col.4, lines 24-34 "Notably, while the preferred embodiment uses the remote unit and base unit to respectively house circuitry for various functions, this functional allocation and two-unit arrangement are not required for implementation of the invention, and the functionality described below may be rearranged between these two units or even combined within a single housing without significantly changing the basic operating features described herein. For example, in an alternative embodiment, all communication between the remote unit and the base unit can occur by RF transmission, or by a direct electrical connection." Therefore the examiner submits that the claimed application is anticipated by Knittel and maintains the rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimura 5,267,323. see abstract "a voice-operated control system having two microphone for correcting the voice command in view of the sound received by the second mic..."

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D Abebe whose telephone number is 703-308-5543. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Abebe, Primary Examiner

A handwritten signature in black ink, appearing to read "Daniel Abebe".

May 26, 2003